REMARKS

The Office Action mailed January 11, 2005 has been carefully considered. Claims 1, 3-23, and 35-44 are pending.

Claim 35 was rejected under 35 U.S.C. § 112 as indefinite. Applicants have amended claim 35 to provide proper antecedent basis to obviate the Examiner's rejection.

Claims 1, 3-7, 11-17, 20-23, 35-40 and 42-44 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. Applicants submit that the teachings of this reference do not teach or suggest the invention defined by the present claims.

Lucas, Jr. et al. disclose a film cutting apparatus including a cutting device and a cutting guide. The cutting device includes a star cutting wheel and a roller assembly for rotating the star cutting wheel. Rotation of the roller drives the star cutting wheel rotatively such that a cutting wheel edge velocity during travel of the cutting device allows the star cutting wheel to contact the film in advance of the roller assembly. Guide wheels are received in a channel for guiding the cutting device during travel thereof. A top surface of the channel has a high friction surface comprising a urethane tape to adhere the film to the surface during cutting.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that the rails are formed of a material to provide cling properties to plastic wrap received over the rail for attracting the plastic wrap and holding the plastic wrap to the rail before and after cutting of the plastic wrap. To the contrary, Lucas, Jr. et al. teach the use of non-slip surface to provide a sufficiently high friction surface to retain and tension the film (col. 2, lines 8-9 and col. 3, lines 1-8 and 15-16). As described on page 3, lines 4-12 of the present application, the present invention has the advantage that the material of the rail helps hold the plastic wrap flat with cling properties before and after cutting of the plastic wrap and does not require pressure to be exerted on the film in order to determine a differential frictional coefficient to provide attraction with a high friction surface. Nowhere is it disclosed or suggested in Lucas, Jr. et al. that the rails are formed of a material to provide cling properties to the plastic wrap. Rather, Lucas, Jr. et

al. provide a non-slip surface, preferably a urethane tape, to adhere the film material to the guide.

In addition, Lucas, Jr. et al. teach the use of rollers with recesses along a circumferential edge thereof to receive an O-ring which provide a resilient engagement with the film material during cutting. Accordingly, the O-rings provide friction during cutting for adherence of the film to the high friction surface. In contrast to Lucas, Jr. et al., the blade housing of the present invention can sever a film without using rollers for providing pressure on the film.

Moreover, there is no teaching or suggestion in Lucas, Jr. et al. of the use of a rail formed of a material which is adapted to provide cling properties to a plastic wrap received over the rail and the advantages thereof. Rather, Lucas, Jr. et al. teach away from the present invention by teaching the film may be aluminum foil which cannot be held by a cling property to a rail (see col. 3, lines 20-24). Further, as noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a rail is selected from plastic, rubber, vinyl, acrylic, polyvinyl chloride comprising at least 10% plasticizer, silicon elastimer and combinations thereof, as defined by the present claims. Applicants submit that in the present invention the materials of the rail are selected to provide a cling property to plastic wrap received over the rail. There is no teaching, suggestion or motivation in Lucas, Jr. et al. to select materials for forming a rail having cling properties to plastic wrap received over the rail because Lucas, Jr. et al. teach the use of the application of a friction based tape or coating to the guide and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims.

Furthermore, Lucas, Jr. et al. disclose rotation of a star cutting wheel for severing of a film material. However, Lucas, Jr. et al. do not teach or suggest a blade for cutting plastic wrap, as defined by the present claims. Instead, Lucas, Jr. et al. teach away from the present invention by teaching that prior art devices using a cutting blade are ineffective to handle or accommodate variations in film material teachings. (See col. 1, lines 25-28.) As described in the enclosed Declaration of Ian Kaiser, the use of a rotary

star cutting wheel has the disadvantage that the cutting wheel does not provide a cut of the plastic film but instead provides perforation of the plastic film. In addition, the rotary star cutting wheel can not be used with a surface providing a cling property to a plastic film received over the surface. Rather, the rotary star cutting wheel requires the material being cut to be in a fixed state such as held down by the use of a non-slip surface of a urethane tape. The present invention has the advantage of not using mechanical interaction to achieve effective cutting and is less expensive to manufacture than the Lucas, Jr. et al. cutting device.

Further, with regard to claim 3, Lucas, Jr. et al. do not teach or suggest the material of the rail has a hardness in the Shore A range. With regard to claim 4, Lucas, Jr. et al. do not teach or suggest that the material of the rail is non-porous. With regard to claim 5, Lucas, Jr. et al. do not teach or suggest that the material of the rail is smooth. Rather, Lucas, Jr. et al. teach away from the present invention by teaching a non-slip surface to provide a sufficiently high friction surface.

With regard to claim 7, there is no teaching or suggestion in Lucas, Jr. et al. of a rail base formed of a coextruded first material which provides cling properties to plastic wrap and a second material of rigid PVC.

With regard to claim 12, Lucas, Jr. et al. do not teach or suggest that a bottom edge of an upper portion of a blade housing protrudes on either end from the blade and an end surface of the upper portion of the blade housing being rounded and inclined upwardly and from either end of the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped cutter. As described on page 6, lines 12-17, the sled shaped runner of the present invention acts in conjunction with the rails to keep the film from bunching up.

Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr. et al.

Dependent claim 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucas, Jr. et al. in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37).

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing cling properties to the plastic wrap received over the rail for attracting the plastic wrap to the rail and for holding the plastic wrap to the rail during cutting of the plastic wrap. Rather, Keene et al. use means such as rollers to hold the plastic wrap down. Accordingly, Keene et al. do not cure the deficiencies of Lucas, Jr. et al. noted above.

Applicants direct the Examiner to Applicants' remarks regarding the 35 U.S.C. § 103(a) of independent claim 1 upon which claims 18 and 19 are dependent from. Upon finding the allowance of independent claim 1, the rejection with respect to dependent claims 18 and 19 should be obviated and Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection upon finding claim 1 allowable.

In view of the remarks and the amendments, further and favorable consideration of the present application and the allowance of all pending claims are respectfully requested. The Examiner is also invited to contact the undersigned should the Examiner believe that such contact would expedite prosecution of the present application.

It is believed that no fee is required in connection with the filing of the present Amendment. However, if any fee is required, the Commissioner is authorized to charge any such fees or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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